

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BOBBY GUTIERREZ, in his capacity as Wrongful Death Personal Representative of the Estate of ROBERT P. GUTIERREZ,

Plaintiff,

vs.

Civ. No. 21-73 KWR/SCY

UNI TRANS, L.L.C., UNITRANS, L.L.C., CEVA LOGISTICS U.S., INC., and SHAMROCK TRADING CORPORATION,

Defendants.

ORDER DENYING MOTION TO QUASH

This matter comes before the Court on Defendant Uni Trans' Motion To Quash Plaintiff's Subpoena To Citizens Bank, N.A. Doc. 84. Defendants requests the Court quash a subpoena Plaintiff issued on October 15, 2021 to Citizens Bank, N.A. *Id.* at 1. The subpoena demands:

Any and all complete applications including all documentation submitted by Uni Trans, L.L.C., and/or Unitrans, L.L.C., for [redacted text] any of its subsidiaries, partners, employees, agents, or representatives including, but not limited to Mirrakhmat Muminov, Jahongir Gaynullaev, and Aye Aye Mar, to secure contracts and/or agreements with Citizens Bank, or any of its subsidiaries, related companies, partners from March 1, 2015, through the present.

Produce all financial and/or monthly statements from any and all accounts held by the above identified entities, individuals, and/or account holders from the time period of March 2019 through the present.

Doc. 84-1 at 6.

The subpoena is directed to Citizens Bank at an address in Rhode Island. Doc. 84-1 at 3.

As the Court previously explained in an order on the topic of subpoenas issued to businesses located outside of the District of New Mexico, "the place where the subpoenaed entity

‘resides or works’ is likely the place of compliance.” Doc. 59 at 4. And a motion to quash a subpoena must be filed “in the district where compliance is required.” *Id.* (citing Fed. R. Civ. P. 45(d)(2) & (3)). After the Court issued this order, both parties indicated they agreed with this interpretation of Rule 45. *E.g.*, Doc. 61 at 1; Doc. 62 at 2.

Defendant’s motion does not contain any information on the location of Citizens Bank for the purpose of Rule 45(d). There is information in the record that it does business or has locations in Rhode Island. Doc. 84-1 at 1-3. If this is true, Defendant’s motion must be brought in Rhode Island. With the subpoenaed entity’s consent, or in exceptional circumstances, the case may then be transferred to New Mexico. Fed. R. Civ. P. 45(f).

Because Defendant’s motion does not address whether the Court has authority to quash this subpoena under Rule 45, the motion is denied without prejudice.

SO ORDERED.



STEVEN C. YARBROUGH
United States Magistrate Judge